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CENTRAL FAX CENTER****DEC 12 2008****IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Serial No. : 10/629,108
Applicants : Kazuo KOYAMA et al.
Filed : July 28, 2003
For : BENZYLAMINE ANALOGUES
Art Unit : 1625
Examiner : Dr. Taofiq A. SOLOLA
Docket No. : 03338CIP/HG
Confirm. No.: 6344
Customer No.: 01933

**LETTER RE: NOTICE OF NON-COMPLIANT
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP ISSUE FEE

S I R :

It was alleged in the NOTICE OF NON-COMPLIANT INFORMATION DISCLOSURE STATEMENT mailed December 9, 2008 that the Information Disclosure Statement ("IDS) filed October 24, 2008 is not compliant with 37 CFR 1.97(d) because the IDS lacked a statement as specified in 37 CFR 1.97(e). The allegation is incorrect for the following reasons.

The aforementioned IDS filed on October 24, 2008 was filed after the submission of an RCE on October 8, 2008 and before the

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on the date noted below.


Attorney: Richard S. Barth

Dated: December 12, 2008

In the event that this Paper
is late filed, and the
necessary petition for
extension of time is not filed
concurrently herewith, please
consider this as a Petition
for the requisite extension of
time, and to the extent not
tendered by Form PTO-2038
attached hereto, authorization to
charge the extension fee,
or any other fee required
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Paper, to Account No. 06-1378.

mailing of a Notice of Allowance on November 18, 2008, and therefore it was timely filed under 37 CFR 1.97(a)(4), which is reproduced as follows:

"(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following periods:

* * *

(4) Before the mailing of a first Office action after the filing of a request for continued examination under §1.114."

In view of the above, consideration of the aforementioned IDS is respectfully requested.

Respectfully submitted,



RICHARD S. BARTH
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